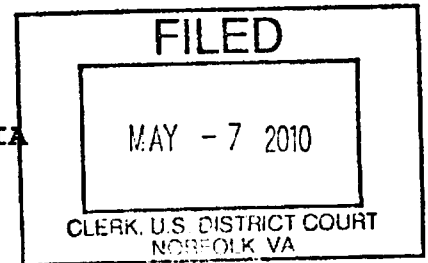


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



CARLIANZO RAMON WILSON, #329311,

Petitioner,

v.

Case No. 2:09cv292

GENE M. JOHNSON, Director,
Virginia Department of Corrections,

Respondent.

FINAL ORDER

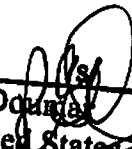
This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violations of federal rights pertaining to petitioner's probation revocation proceeding on September 28, 2005, in the Circuit Court of the City of Portsmouth, Virginia, as a result of which his probation was revoked and he was sentenced to serve eight (8) years in the Virginia penal system.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The report of the magistrate judge was filed on April 16, 2010, recommending dismissal of the petition. By copy of the report, each party was advised of his right to file written objections to the findings and recommendations made by the magistrate judge. The Court received no response from either party.

The Court, having reviewed the record, does hereby ADOPT AND APPROVE the findings and recommendations set forth in the report of the United States Magistrate Judge filed on April 16, 2010, and it is, therefore, ORDERED that the petition be DENIED AND DISMISSED as claim (a) is without merit and claim (b) is procedurally defaulted. Adopting the recommendations in the magistrate judge's report, it is ORDERED that Respondent's Motion to Dismiss (Doc. No. 11) be GRANTED; Petitioner's Motion for Extension of Time (Doc. No. 15) be DISMISSED as moot; and Petitioner's Motion for an Evidentiary Hearing (Doc. No. 16) be DENIED. It is further ORDERED that judgment be entered in favor of Respondent.

Petitioner may appeal from the judgment entered pursuant to this final order by filing a written notice of appeal with the Clerk of this Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment. Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Therefore, the Court, pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure, declines to issue a certificate of appealability. See Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

The Clerk shall mail a copy of this Final Order to Petitioner and to counsel of record for Respondent.


Robert G. Douglas
Senior United States District Judge
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

May 7th, 2010